

REMARKS

Claim Amendments

Claim 14 has been amended to improve clarity. Claims 11, 13, 19, and 20 have been canceled without prejudice or disclaimer. No new matter has been added.

Claims 1-4, 6-7, 10, 12, 14, and 16 are Allowable.

The Office has rejected Claims 1-4, 6-7, 10, 12, 14, 16, and 20, at paragraphs 3-4 of the Office Action, under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 6,831,970 ("Awada") in view of U.S. Patent 6,359,970 ("Burgess") and further in view of U.S. Patent 5,317,624 ("Obana"). Applicant respectfully traverses the rejections of Claims 1-4, 6-7, 10, 12, 14, and 16.

Claim 1 recites a mobile telephone comprising: a ringer to provide audible alert of an incoming telephone call; a ringer schedule interface to receive a ringer control schedule, the ringer control schedule indicating times at which a parameter of the ringer is to change; a ringer controller to automatically change the parameter of the ringer according to the ringer control schedule; and a control to override the ringer control schedule and thereafter to return to processing incoming calls according to the ringer control schedule.

Awada discloses a calendar application, such as a program residing on a desktop computer or a personal digital assistant, with which a user can schedule a calendar period to activate a telephone profile. (Awada, col. 2, lines 18-21 and col. 2, lines 46-60). For instance, the telephone profile may include turning a ringer off and have all incoming calls sent to voice mail for the duration of the calendar period. (Awada, col. 4, lines 14-16).

As the Office Action states, at paragraph 4, page 3, Awada does not disclose a ringer control schedule indicating times at which the parameter of the ringer is to change. (A change in the parameter of the ringer may result in, for example, a change from ringer on to ringer off, ring to vibrate mode, determine a choice of ring tone, or change a ring volume.)

Burgess discloses a blocking time database structure to determine if an incoming call is to be blocked or permitted based on the time of the call being received. (Burgess, col. 8, lines 19-

22). However, Burgess does not disclose or suggest a ringer control schedule indicating times at which a parameter of the ringer is to change, as recited in Claim 1. Burgess offers no ability to change the parameter of the ringer that may cause a change from, e.g., ring to vibrate mode, or a choice of ring tone, or a change a ring volume.

Obana discloses activating a special code by a special person calling a cordless telephone set that includes a base station and a mobile station, so as to inform a receiving party that the special person is calling. (Obana, Abstract). Obana does not disclose or suggest a ringer control schedule. Obana fails to disclose or suggest a ringer control schedule indicating times at which a parameter of the ringer is to change, as recited in Claim 1.

Therefore the asserted combination of Awada in view of Burgess and Obana fails to disclose or suggest a ringer control schedule indicating times at which a parameter of the ringer is to change, as recited in Claim 1.

Further, the Office Action, at paragraph 4, page 4, states that the combination of Awada and Burgess does not specifically disclose a control to override the ringer control schedule and thereafter to return to processing incoming calls according to the ringer control schedule, as recited in Claim 1.

Obana is directed toward a cordless set including a base station and a mobile phone. (Obana, Abstract). Obana discloses an apparatus and method that causes a special ringing tone to be outputted by the mobile phone or the base station when a caller sends a control signal. (See Obana, Abstract, and col. 2, lines 11-17). By inputting a terminal designation code, the incoming caller can choose which of the mobile phone or the base station is to sound the special ring. (See Obana, col. 2, lines 11-17). A special caller, when informed of the control signal and the terminal-designation code, can select the special ringing tone to ring on the caller's choice of terminal. (See Obana, col. 2, lines 19-29). Obana further discloses that when a line disconnect occurs, the special ringing tone is stopped by control means, so as to open the telephone circuit to a stationary state. (See Obana, col. 10, lines 62-66). Obana does not disclose or suggest processing calls according to a ringer control schedule. Rather, Obana, at col. 10, lines 62-66, cited by the Office Action, addresses a situation wherein the special ringing tone is no longer desired to be sounded because the caller has disconnected. Thus, Obana fails to disclose or

suggest overriding a ringer control schedule and thereafter to return to processing incoming calls according to a ringer control schedule, as recited in Claim 1.

Therefore the combination of Awada in view of Burgess and further in view of Obana, fails to disclose or suggest overriding a ringer control schedule and thereafter to return to processing incoming calls according to a ringer control schedule, as recited in Claim 1.

Thus, Awada, Burgess, and Obana, alone or in combination, fail to disclose or suggest each and every element of Claim 1.

Further, there is no motivation to combine Awada, Burgess, and Obana.

The mere fact that the prior art may be modified in the manner suggested by the Examiner does not make the modification obvious unless the prior art suggested the desirability of the modification. ... It is impermissible to use the claimed invention as an instruction manual or "template" to piece together the teachings of the prior art so that the claimed invention is rendered obvious.

In re Fritch, 972 F. 2d 1260, 23 USPQ2d 1780 at 1783-84 (Fed. Cir. 1992).

Awada, Burgess, and Obana constitute non-analogous art: Awada addresses remote scheduling, via a calendar application, of telephone profiles for a wireless phone. Burgess addresses selectively blocking incoming phone numbers at scheduled times. Obana addresses privacy issues with regard to a cordless telephone set that includes a mobile cordless phone user and a base station user, allowing an incoming caller to select one of the two users, and to select a special ring to be sounded on the selected station. There would have been no motivation to combine the scheduling of telephone profiling of Awada, with the incoming call blocking schedule of Burgess and the cordless phone user selection system of Obana. Applicant submits that the asserted combination represents impermissible hindsight, and is therefore improper.

If proposed modification would render the prior art invention unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification.

In re Gordon, 733 F.2nd 900, USPQ 1125.

Awada is incompatible with Burgess. Awada discloses changing a telephone profile (e.g., turn ringer off and forward to voice mail; notify user of incoming calls through vibrate mode; ring and receive incoming call) through remote calendar scheduling. Burgess discloses a

user selecting block time intervals to indicate times during which calls will not be passed to the user's phone, except for high priority callers. The references are incompatible because Awada discloses scheduling, through a remote calendar application, the telephone profile through which the user may be notified of an incoming call such as by vibrate mode, whereas Burgess discloses a database of block-out periods during which a phone connection may not be made. The combination would render Awada unsatisfactory for its intended purpose, because Burgess results in blocking out calls, and would not permit the telephone profile of Awada to be changed from, e.g., receive incoming call, to vibrate mode. Therefore, the asserted combination is improper.

For at least the reasons presented above, the asserted combination of Awada in view of Burgess, and further in view of Obana, is improper. Accordingly, Claim 1 is allowable. Claims 2-4, 6-7, and 10 depend from Claim 1, and are therefore allowable at least by virtue of their dependency from Claim 1.

In addition, Claim 3 recites that the ringer control schedule comprises a first time for a first day of the week at which the ringer is to be turned off, and a second time for the first day of the week at which the ringer is to be turned back on. As stated by the Office Action, at paragraph 4, page 5, Awada as modified by Obana does not disclose or suggest that the ringer control schedule comprises a first time for a first day of the week at which the ringer is to be turned off, and a second time for the first day of the week at which the ringer is to be turned back on. Burgess discloses a caller database structure including a plurality of records, each record including a day of the week field that provides the days during the week that the time block interval is active. (*See* Burgess, col. 8, lines 19-46). Thus, Burgess discloses a database structure providing a time block interval during which incoming calls are blocked, rather than, e.g., turning the ringer off. Further, the scheme of Burgess allows a time block interval to begin on one day and end on a subsequent day: "[f]or example, a representation of a time block interval could be from 10:00 p.m. to 5:00 a.m., Sunday through Friday, blocking all priorities except Priority 8 - family callers." (Burgess, col. 8, lines 38-41). The time block interval of Burgess may begin at 10 p.m. of Sunday, without a second time on Sunday to remove the block. Thus, Burgess fails to disclose or suggest that the ringer control schedule comprises a first time for a first day of the week at which the ringer is to be turned off, and a second time for the first day of

the week at which the ringer is to be turned back on, as recited in Claim 3. Therefore Claim 3 is allowable over the combination of Awada in view of Burgess and further in view of Obana.

In addition, Claim 4 recites wherein the ringer control schedule for a second day of the week differs from that for the first day of the week. The Office Action states, at paragraph 4, page 6, that Awada as modified by Obana does not teach the ringer control for a second day of the week differs than that for the first day of the week. Burgess discloses a caller database structure including a plurality of records, each record including a day of the week field that provides the days during the week that the time block interval is active. (*See* Burgess, col. 8, lines 19-46). Burgess further discloses “[f]or example, a representation of a time block interval could be from 10:00 p.m. to 5:00 a.m., Sunday through Friday, blocking all priorities except Priority 8 - family callers.” (Burgess, col. 8, lines 38-41). The call blocking schedule of Burgess may be identical for each of several consecutive days of the week. Thus, Burgess fails to disclose or suggest the ringer control for a second day of the week differs from that for the first day of the week, as recited in Claim 4. Therefore, Claim 4 is allowable over the combination of Awada, Burgess and Obana.

In addition, Claim 6 recites a display device, wherein the ringer schedule interface uses the display device to display at least part of the ringer control schedule.

The mere fact that the prior art may be modified in the manner suggested by the Examiner does not make the modification obvious unless the prior art suggested the desirability of the modification. ... It is impermissible to use the claimed invention as an instruction manual or “template” to piece together the teachings of the prior art so that the claimed invention is rendered obvious.

In re Fritch, 972 F. 2d 1260, 23 USPQ2d 1780 at 1783-84 (Fed. Cir. 1992).

Neither Awada nor Obana provides any suggestion or motivation to make the asserted combination. Awada is directed to a call control operation using a calendar. (*See* Awada, Abstract.) Obana addresses privacy between an incoming caller and one of a mobile station or a base station of a cordless telephone set. (*See* Obana, Abstract). Obana fails to disclose or suggest a display device. The asserted combination of Awada and Obana is a hindsight reconstruction based upon the present disclosure, and therefore the rejection of Claim 6 over the combination of Awada and Obana is improper and should be withdrawn.

Claim 12 recites a mobile telephone comprising a control to override the ringer control schedule and thereafter to return to processing incoming calls according to the ringer control schedule. Following the reasoning presented above for the allowability of Claim 1, the combination of Awada in view of Burgess and further in view of Obana fails to disclose or suggest a control to override the ringer control schedule and thereafter to return to processing incoming calls according to the ringer control schedule, as recited in Claim 12. Therefore, Claim 12 is allowable over the asserted combination. Claim 14 depends from Claim 12, and is therefore allowable at least by virtue of its dependency from allowable Claim 12.

Further, Claim 14 recites wherein the ringer control schedule for a second day of the week differs from that for the first day of the week. The Office Action, at paragraph 4, page 7, states that Awada as modified by Obana does not teach the ringer control for a second day of the week differs than that for the first day of the week. As explained above regarding Claim 4, Burgess discloses a caller database structure including a plurality of records, each record including a day of the week field that provides the days during the week that the time block interval is active. (See Burgess, col. 8, lines 19-46). Burgess fails to disclose or suggest a ringer control schedule. Further, Burgess discloses “[f]or example, a representation of a time block interval could be from 10:00 p.m. to 5:00 a.m., Sunday through Friday, blocking all priorities except Priority 8 - family callers.” (Burgess, col. 8, lines 38-41). Thus the call blocking schedule of Burgess may include identical schedules for each of several consecutive days of the week. Therefore, Burgess fails to disclose or suggest the ringer control for a second day of the week differs from that for the first day of the week, as recited in Claim 14. Therefore, Claim 14 is allowable over the combination of Awada, Burgess, and Obana.

Claim 16 recites a mobile telephone comprising a control to override the ringer control schedule and thereafter to return to processing incoming calls according to the ringer control schedule. Following the reasoning presented above for the allowability of Claim 1, the combination of Awada in view of Burgess and further in view of Obana fails to disclose or suggest a control to override the ringer control schedule and thereafter to return to processing incoming calls according to the ringer control schedule, as recited in Claim 16. Therefore, Claim 16 is allowable over the asserted combination.

Accordingly, the rejection of Claims 1-4, 6-7, 10, 12, 14, and 16 over the asserted combination of Awada in view of Burgess, and further in view of Obana should be withdrawn.

Claims 5, 15, and 21 are Allowable.

Claims 5, 15, and 21, have been rejected, at paragraph 5 of the Office Action, under 35 U.S.C. §103(a) as being unpatentable over Awada in view of Burgess, and further in view of Obana and U.S. Patent 5,317,624 ("Miura"). Applicant respectfully traverses the rejections.

Claims 5, 15, and 21 recite wherein the change in the parameter of the ringer is selected from turning the ringer off, turning the ringer on, changing a ring tone, and changing a ring volume.

Claim 5 depends from Claim 1, Claim 15 depends from Claim 12, and Claim 21 depends from Claim 16. As explained above, the asserted combination of Awada in view of Burgess and further in view of Obana fails to disclose or suggest each and every element of claims 1, 12, and 16. In a particular example, Awada, Burgess and Obana, taken alone or in combination, fail to disclose or suggest a control to override a ringer control schedule and thereafter to return to processing incoming calls according to a ringer control schedule, as recited in Claim 1.

Miura discloses changing ringer characteristics based upon a time schedule. (Miura, Abstract, and col. 1, line 66-col. 2, line 53). Further, Miura discloses that a user sets a start and end time of a call incoming operation limiting function as well as the tone of the ringer during that period. (See Miura, col. 6, lines 45-54.) Miura discloses that when the clock of the telephone matches the start time, the call incoming operation limiting function control unit instructs the ring tone volume unit to change the tone volume accordingly. (See Miura, col. 6, lines 55-65). Miura discloses following a pre-defined tone adjustment schedule, but fails to disclose or suggest a control to override a ringer control schedule and thereafter returning to processing incoming calls according to a ringer control schedule, as recited in Claims 1, 12, and 16. Hence, the asserted combination of Awada in view of Burgess and further in view of Obana and Miura, fails to disclose or suggest this element of Claim 1, 12, and 16.

Accordingly, Claim 5, which depends from Claim 1, is allowable over the asserted combination of Awada in view of Burgess and further in view of Obana and Miura, at least by

virtue of its dependency from Claim 1. Similarly, Claim 15, which depends from Claim 12 is allowable over the asserted combination of Awada in view of Burgess and further in view of Obana and Miura, at least by virtue of its dependency from Claim 12. In similar fashion, Claim 21, which depends from Claim 16, is allowable over the asserted combination of Awada in view of Burgess and further in view of Obana and Miura, at least by virtue of its dependency from Claim 16. Accordingly, the rejection of Claims 5, 15, and 21 over the asserted combination of Awada in view of Burgess and further in view of Obana and Miura should be withdrawn.

Claims 8, 9, 17, and 18 are Allowable.

Claims 8, 9, 17, and 18 have been rejected, at paragraph 6 of the Office Action, under 35 U.S.C. §103(a) as being unpatentable over Awada in view of Burgess and further in view of Obana and U.S. Patent 6,760,581 ("Dutta"). Applicant respectfully traverses the rejections.

Claims 8 and 9 depend from Claim 1. Claims 17 and 18 depend from Claim 16. Claims 8 and 17 recite a mobile telephone wherein the interface to an external device includes a short-range wireless interface. Claims 9 and 18 recite wherein the short-range wireless interface includes a BLUETOOTH interface.

As explained above with regard to Claims 1 and 16, the combination of Awada in view of Burgess and further in view of Obana fails to disclose or suggest a control to override a ringer control schedule and thereafter returning to processing incoming calls according to a ringer control schedule, as recited in Claims 1 and 16.

Dutta discloses that if a user wishes to be notified, a mobile telephone may receive a command from a Bluetooth server to produce a signal such as a vibration or a ring, indicating that a hold function has been triggered by a Bluetooth server command. (See Dutta, col. 5, lines 50-59). Selected incoming calls are automatically held, and if a caller is on a pre-selected list, the signal from the mobile phone informs the user that a caller has been placed on hold. (See Dutta, col. 5, lines 60-67). The user can either answer the call or can send the caller to voicemail. (See Dutta, col. 5, line 67-col. 6, line 2). Dutta utilizes Bluetooth technology to automatically hold calls and notify the mobile telephone user when a mobile telephone enters a theater or other public place. (See Dutta, col. 2, lines 21-36, and Abstract).

Dutta fails to disclose or suggest a control to override a ringer control schedule and thereafter returning to processing incoming calls according to a ringer control schedule, as recited in Claims 1 and 16. Therefore, the asserted combination of Awada in view of Burgess and further in view of Obana and Dutta fails to disclose or suggest this element of Claims 1 and 16. Accordingly, Claims 8 and 9, which depend from Claim 1, are allowable over the asserted combination of Awada in view of Burgess and further in view of Obana and Dutta at least by virtue of their dependency from Claim 1. Similarly, Claims 17 and 18, which depend from Claim 16, are allowable over the asserted combination of Awada in view of Burgess and further in view of Obana and Dutta, at least by virtue of their dependency from Claim 16. Accordingly, the rejection of Claims 8, 9, 17 and 18, over the asserted combination of Awada in view of Burgess and further in view of Obana and Dutta should be withdrawn.

Claims 22, 24, and 25 are Allowable.

Claims 22, 24, and 25 have been rejected, at paragraph 7 of the Office Action, under 35 U.S.C. §103(a) as being unpatentable over Awada in view of Burgess and further in view of Dutta. Applicant respectfully traverses the rejections.

Claim 22 recites a mobile telephone including a ringer to provide audible alert of an incoming telephone call; a ringer schedule interface to receive a ringer control schedule, the ringer control schedule indicating times at which a parameter of the ringer is to change; a ringer controller to automatically change the parameter of the ringer according to the ringer control schedule; an interface to an external device; wherein the ringer schedule interface uses the interface to receive at least part of the ringer control schedule created using and downloaded by the external device; and wherein the interface includes a short-range wireless interface.

As explained above with regard to Claim 1, neither Awada nor Burgess, individually or in combination, disclose or suggest a ringer control schedule indicating times at which a parameter of the ringer is to change.

Dutta discloses a system for providing a hold operation from a mobile telephone. When a call is received and the mobile telephone user cannot readily answer the phone, he presses a

"hold" key on the mobile telephone. (See Dutta, Abstract). The hold key plays a message to the caller informing the caller that the receiver intends to answer the call momentarily. (See Dutta, Abstract). Dutta also discloses receiving from a Bluetooth server a notification, producing e.g., a vibration or a ring at the mobile phone, indicating that a hold function has been triggered by a Bluetooth server command. (See Dutta, col. 5, lines 50-59). In Dutta, Bluetooth technology may be enabled when a mobile telephone enters a theater or other public place, to automatically hold calls of importance and cause the phone to vibrate thereby alerting the recipient, who can move to a place where he can answer the call. (See Dutta, col. 2, lines 21-36, and Abstract).

Dutta fails to disclose or suggest a ringer control schedule indicating times at which a parameter of the ringer is to change. In Dutta, the ringer may be activated to vibrate if, e.g. a caller on a pre-selected list is trying to connect with the recipient while the recipient is in a theater or public place, *without reference to a schedule*. (See Dutta, col. 2, lines 21-36).

Hence, the asserted combination of Awada, Burgess and Dutta, fails to disclose or suggest a ringer control schedule indicating times at which a parameter of the ringer is to change, as recited in Claim 22.

Further, there exists no motivation to modify the system of Awada and Burgess to include the hold operation of Dutta, since the system of Awada and Burgess would already utilize the profile information to handle calls received at an inopportune time. (See, Awada, Abstract, and Burgess, Abstract).

The mere fact that the prior art may be modified in the manner suggested by the Examiner does not make the modification obvious unless the prior art suggested the desirability of the modification. ... It is impermissible to use the claimed invention as an instruction manual or "template" to piece together the teachings of the prior art so that the claimed invention is rendered obvious.

In re Fritch, 972 F. 2d 1260, 23 USPQ2d 1780 at 1783-84 (Fed. Cir. 1992).

The fact that Dutta discloses a Bluetooth interface does not make the modification to the combination of Awada and Burgess obvious. There exists no motivation to make the asserted combination of Awada, Burgess and Dutta other than that provided by the present disclosure. Consequently, the asserted combination of Awada, Burgess and Dutta constitutes an

impermissible hindsight reconstruction. The rejection of claim 22 over the asserted combination of Awada, Burgess and Dutta should be withdrawn.

For at least the reasons presented above, Claim 22 is allowable. Claims 24 and 25 depend from Claim 22, and are therefore allowable at least by virtue of their dependency from Claim 22. Accordingly, the rejection of Claims 22, 24, and 25, over the asserted combination of Awada in view of Burgess, further in view of Dutta should be withdrawn.

Claims 23 is Allowable.

Claim 23 has been rejected, at paragraph 8 of the Office Action, under 35 U.S.C. §103(a) as being unpatentable over Awada in view of Burgess and further in view of Dutta and Obana. Applicant respectfully traverses the rejection.

Claim 23 recites a mobile telephone comprising a controller to override a ringer control schedule and thereafter to return to processing incoming calls according to the ringer control schedule.

The Office Action, with regard to Claim 1, has stated that Awada and Burgess fail to disclose or suggest this feature recited in Claim 23. Dutta provides a hold operation through the use of a hold key that the user may press, causing a message to be played to the caller. (*See Dutta, Abstract*). Dutta also discloses that Bluetooth technology can be enabled, through which the ringer may be activated to vibrate if, e.g. a caller on a pre-selected list is trying to connect with the recipient while the recipient is in a theater or public place. (*See Dutta, col. 2, lines 21-36*). Dutta does not disclose or suggest a ringer control schedule. Hence, Dutta fails to disclose or suggest a controller to override a ringer control schedule and thereafter to return to processing incoming calls according to the ringer control schedule, as recited in Claim 23.

Obana discloses that when a line disconnect occurs for a cordless phone, a special ringing tone is stopped so as to open the telephone circuit to a stationary state. (*See Obana, col. 10, lines 62-66*). Obana does not disclose or suggest a ringer control schedule. Hence, Obana fails to disclose or suggest a controller to override a ringer control schedule and thereafter to return to processing incoming calls according to the ringer control schedule, as recited in Claim 23.

Further, Claim 23 depends from Claim 22. As explained above, the asserted combination of Awada, Burgess and Dutta, fails to disclose or suggest a ringer control schedule indicating times at which a parameter of the ringer is to change, as recited in Claim 22. As explained above regarding Claim 1, Obana discloses that when a line disconnect occurs for a cordless phone, a special ringing tone is stopped so as to open the telephone circuit to a stationary state. (*See* Obana, col. 10, lines 62-66). Obana fails to disclose or suggest a ringer control schedule indicating times at which a parameter of the ringer is to change, as recited in Claim 22. Hence, the asserted combination of Awada, Burgess, Dutta, and Obana fails to disclose or suggest each and every element of Claim 22. Claim 23 is allowable at least by virtue of its dependency from Claim 22.

For at least the reasons presented above, Claim 23 is allowable over the asserted combination. Accordingly, the rejection of Claim 23 over the asserted combination of Awada, Burgess, and further in view of Dutta and Obana should be withdrawn.

CONCLUSION


Applicant respectfully submits that the present application is in condition for allowance. Accordingly, the Examiner is requested to issue a Notice of Allowance for all pending Claims. If, for any reason, the Office is unable to allow the Application on the next Office Action, and believes a telephone interview would be helpful, the Examiner is respectfully requested to contact the undersigned attorney or agent.

Any changes to the claims in this amendment, which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

The Commissioner is hereby authorized to charge any fees that may be required, or credit any overpayment, to Deposit Account Number 50-2469.

Respectfully submitted,

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Date


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